



#3

Case No. 97,022-N

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A SYSTEM FOR CELL BASED SCREENING

the specification of which is attached hereto unless the following space is checked:

☒ was filed on August 4, 2000, as United States Application Serial Number 09/632,552.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/147,443	August 5, 1999
2.	60/176,589	January 18, 2000
3.	60/205,696	May 19, 2000

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.			

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Denis A. Berntsen	Reg. No. 26707	Anthoula Pomrening (agent)	Reg. No. 38805
John J. McDonnell	Reg. No. 26949	George I. Lee	Reg. No. 39269
Daniel A. Boehnen	Reg. No. 28399	James M McCarthy	Reg. No. 39296
Bradley J. Hulbert	Reg. No. 30130	Jeremy Noe (agent)	Reg. No. 40104
Paul H. Berghoff	Reg. No. 30243	Sean M. Sullivan	Reg. No. 40191
Grantland G. Drutchas	Reg. No. 32565	Amir N. Penn	Reg. No. 40767
Steven J. Sarussi	Reg. No. 32784	Patrick J. Halloran (agent)	Reg. No. 41053
David M. Frischkorn	Reg. No. 32833	Joshua R. Rich	Reg. No. 41269
James C. Gumina	Reg. No. 32898	Thomas E. Wettermann	Reg. No. 41523
A. Blair Hughes	Reg. No. 32901	Vernon W. Francissen	Reg. No. 41762
Thomas A. Fairhall	Reg. No. 34591	Robert J. Irvine	Reg. No. 41865
Emily Miao	Reg. No. 35285	Richard A. Machonkin	Reg. No. 41962
Kevin E. Noonan	Reg. No. 35303	David S. Harper	Reg. No. 42636
Leif R. Sigmond, Jr.	Reg. No. 35680	Stephen Lesavich	Reg. No. 43749
Lawrence H. Aaronson	Reg. No. 35818	Enrique Perez	Reg. No. 43853
Matthew J. Sampson	Reg. No. 35999	Marcus J. Thymian	Reg. No. 43954
Curt J. Whitenack	Reg. No. 36054	S. Richard Carden (agent)	Reg. No. 44588
Christopher M. Cavan	Reg. No. 36475	Mark Chael (agent)	Reg. No. 44601
Michael S. Greenfield	Reg. No. 37142	Stephen H. Docter	Reg. No. 44659
Roger P. Zimmerman	Reg. No. 38670		

Address all telephone calls to David S. Harper at (312) 913-0001.

Address all correspondence to McDONNELL BOEHNEN HULBERT & BERGHOFF, 300 South Wacker Drive, Chicago, Illinois 60606 USA.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first named inventor (Family Name, Given Name): Richik N. Ghosh

Inventor's signature: 

Date: 11/15/00

Residence: 902 Glenwood Court, Cranberry Township, PA 16066

Citizenship: India

Post Office Address: Same as above

Full name of second joint inventor (Family Name, Given Name):

Robbin DeBiasio

Inventor's signature: Robbin DeBiasio

Date: 11-27-00

Residence: 53 Locust Lane, Pittsburgh, Pennsylvania 15238-3248

Citizenship: United States of America

Post Office Address: Same as above

Full name of third joint inventor (Family Name, Given Name):

Prem Janardhan

Inventor's signature: Prem Janardhan

Date: 13 Nov, 2000

Residence: P.O. Box 5239, Dubai United Arab Emirates

Citizenship: India

Post Office Address: Same as above



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney's Docket No. 97,022-N)

Applicant or

Patentee: Richik N. Ghosh, Robbin DeBiasio and Prem Janardhan

Serial No. To be assigned

Filed: Herewith

Title: **A SYSTEM FOR CELL BASED SCREENING**

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 C.F.R. § 1.9(f) AND § 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐
☒

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Cellomics, Inc.

ADDRESS OF CONCERN 635 William Pitt Way
Pittsburgh, PA 15238

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

A SYSTEM FOR CELL BASED SCREENING

by inventors Richik N. Ghosh, Robbin DeBiasio and Prem Janardhan

described in

- ☒ the specification filed herewith.
☐ Application Serial No. _____, filed _____.
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual concern or organization having rights in the invention must file verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization having any rights to the invention is listed below:

- ☒ No such person, concern or organization exists.
☐ Each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights in the invention averring to their status as small entities. (37 CFR § 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all

statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Lee R. Johnston, Jr.

TITLE IN ORGANIZATION:

VP & CFO

ADDRESS OF PERSON SIGNING:

Cellomics, Inc.
635 William Pitt Way
Pittsburgh, PA 15238

Signature:

Lee R. Johnston, Jr.

Date:

7/31/00